

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

MARSHALL JACKSON,)	
)	
Plaintiff,)	
)	
v.)	3:07-cv-2-RLY-WGH
)	
DR. ALEX PLATZ,)	
RITA ETIENNE, R.N.,)	
SUPERINTENDENT GILBERT PETERS,)	
SUPERINTENDENT DONALD STIEN,)	
)	
Defendants.)	

**ORDER ON PLAINTIFF'S MOTION FOR
ORDER COMPELLING DISCOVERY**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on Plaintiff's Objections and Motion for Order Compelling Discovery as to defendant Gilbert Peters filed May 24, 2010. (Docket No. 149). A Response in Opposition to Motion to Compel was filed by defendant Gilbert Peters on June 11, 2010. (Docket No. 155). No reply brief has been filed.

The Magistrate Judge, being duly advised, now **GRANTS, in part,** and **DENIES, in part,** the motion to compel as follows:

1. To the extent that plaintiff argues that defendant Gilbert Peters has waived any objections by failing to timely respond to these interrogatories and requests for production, the Magistrate Judge concludes that there has been an insufficient showing of prejudice in this instance to warrant waiver of all objections. The court will, therefore, consider the objections and privileges raised.

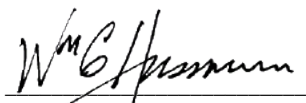
2. With respect to Gilbert Peters' response to plaintiff's first request for production of documents, the following orders apply:

- (a) Request for Production 1: Defendants are to provide from the personnel file of defendant Peters any complaints or grievances that relate to a claim that he has improperly denied visitation privileges to any inmate. No other portions of the personnel file need be produced.
- (b) Requests for Production 2-9, 11-12 and 14-16: The objections are overruled, and the motion to compel as to these requests is **DENIED**.
- (c) Request for Production 10: If defendant Peters maintains work lists or records of offenders who worked on the BCF road crews during the time between June 1, 2006, and up to and including August 30, 2006, those documents must be produced. However, defendant Peters need not create a list or search other records to produce the names of the offenders if assignment records or logs are not maintained.
- (d) Request for Production 13: Defendants are ordered to produce redacted copies of any and all incidents under the Adult Disciplinary Procedures, Class A Violation Nos. 111 and 113, for the time period January 1, 2006, up to and including December 31, 2006. Any records maintained by the Adult Disciplinary Board for those violations during that time period should be produced, redacting the name and identifying information of the offender, except that the last three digits of the offender number and race shall be visible.
- (c) Requests for Admissions 10 and 17: The motion to compel is **DENIED**.

To the extent the plaintiff seeks to compel additional information, that motion to compel is **DENIED**, as the plaintiff's brief does not state with specificity what other relief he is requesting with respect to any other items.

SO ORDERED.

Dated: July 12, 2010


William G. Hussmann, Jr.
United States Magistrate Judge
Southern District of Indiana

Copies to:

MARSHALL JACKSON
11048
Indianapolis Re-Entry Educational Facility
401 N. Randolph Street
Indianapolis, IN 46201

Neal F. Bailen
STITES & HARBISON, LLP
nbailen@stites.com

Lynne Denise Hammer
OFFICE OF THE INDIANA ATTORNEY GENERAL
Lynne.Hammer@atg.in.gov

Jeremy Michael Padgett
TYRA LAW FIRM P.C.
jerry.padgett@tyralaw.net

Bruce Benjamin Paul
STITES & HARBISON, LLP
bpaul@stites.com

Kevin C. Tyra
THE TYRA LAW FIRM, P.C.
kevin.tyra@tyralaw.net

Cory Christian Voight
INDIANA OFFICE OF THE ATTORNEY GENERAL
cory.voight@atg.in.gov